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U.S. PTO  
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PTO/SB/05 (08-03)

Approved for use through 07/31/2006. OMB 0651-0032

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

First Inventor

Minges, Marcus C.

Title

Rail Mounted Traversing..

Express Mail Label No.

EV302016956

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

## ADDRESS TO:

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

1. ☐ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 18]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 9]
5. Oath or Declaration [Total Sheets 2]
  - a. ☐ Newly executed (original or copy)
  - b. ☒ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
    - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ Paper
  - c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☒ 37 CFR 3.73(b) Statement (when there is an assignee) ☒ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent
17. ☒ Other: check form 385

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/659,619

Prior application information:

Examiner: Jules, Frantz F

Art Unit: 3617

For CONTINUATION OF DIVISIONAL APPS only; The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

☒ Customer Number: 23378 OR ☐ Correspondence address below

Name

Address

City

State

Zip Code

Country

Telephone

Fax

Name (Print/Type)

Nathan W. Johnson

Registration No. (Attorney/Agent)

44173

Signature

Date

Nov. 10, 2003

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

2581 U.S. PTO  
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Nathan W. Johnson

November 10, 2003

Direct Dial: 205-521-8369  
Direct Fax: 205-488-6369  
njohnson@bradleyarant.com

**Express Mail No. EV302016956US**

Mail Stop Patent Application

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**EV302016956US**

**RE: Divisional Patent Application  
Relating to Prior Application 09/659,619  
Filed in the Name of Inventor Marcus C. Minges  
Owner by Assignment: Incline Access, LLC  
Filing Date: November 10, 2003 (Today)**

Dear Sirs:

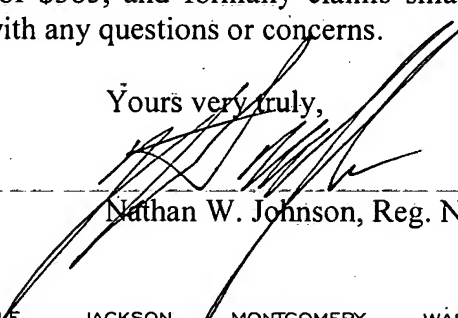
Please find enclosed herewith a divisional application for RAIL MOUNTED TRAVERSING TRANSPORT, claiming the benefit of and incorporating by reference prior application No. **09/659,619** filed September 11, 2000 by the same inventor.

This application is filed in the name of the inventor Marcus Minges, and the owner by assignment is Incline Access, LLC. Incline Access, LLC is the owner pursuant to the assignment recorded in the parent application at Reel 12047, Frame 0044, a copy of which is submitted for recordal in this application as well. The attorney of record, being the undersigned, in the parent application remains the attorney of record in this Divisional application.

A copy of (1) the declaration, (2) assignment, and (3) the power of attorney, each from the parent application, are enclosed together with the specification and drawings. We request that each be entered in the present record, given that the inventors are the same in the parent and divisional. The parent application is hereby incorporated by reference. Applicants' claims in this divisional are revised since the last action in parent application, which is now allowed. The Divisional's claims include limitations supported by the parent but not claimed therein.

Applicant advises the examiner that it may consider the art previously cited in information disclosures and examiner citation to be pertinent to the present application. Applicant encloses herewith a fee of \$385, and formally claims small entity status. Do not hesitate to contact the undersigned with any questions or concerns.

Yours very truly,

  
Nathan W. Johnson, Reg. No. 44,173

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that the following documents:

1. Cover letter (2 pages, including this page),
2. Divisional Application for United States Letters Patent, including a specification (18 pages) and formal drawings (9 pages),
3. A copy of the Declaration from the parent application (2 pages),
4. A copy of the Assignment of the parent application, together with an assignment recordal cover sheet and authorization to charge \$40 to deposit account,
5. A copy of the Power of Attorney for the parent application,
6. A check for \$385.00

are enclosed and are being deposited this day (November 10, 2003) with the "Express Mail" service of the United States Post Office to Addressee, in an envelope marked EV302016956US addressed to:

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

So certified,



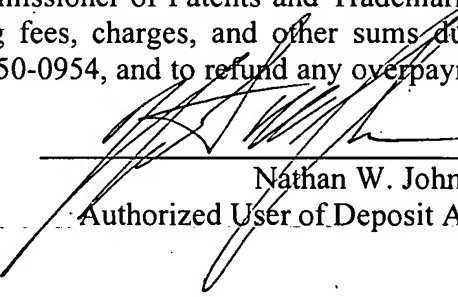
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Nathan W. Johnson, Esq.  
Attorney for Incline Access

11/10/03  
\_\_\_\_\_  
Date of Signature

**AUTHORIZATION TO CHARGE  
DEPOSIT ACCOUNT**

If, after processing the enclosed documents, any charges, fees, or sums due remain unpaid in connection with this correspondence, I hereby authorize the Commissioner of Patents and Trademarks to charge all such remaining fees, charges, and other sums due to Deposit Account Number 50-0954, and to refund any overpayment to such Account.



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Nathan W. Johnson  
Authorized User of Deposit Account 50-0954